

APR 12 2011

State of Arizona

DEPARTMENT OF INSURANCE

DEPT OF INSURANCE  
BY 

In the Matter of:

**ZUBROD, MATTHEW KENNETH,**  
(Arizona License # 7034)

Respondent.

No. 11A-037-INS

CONSENT ORDER

The State of Arizona Department of Insurance ("Department") has received evidence that **Matthew Kenneth Zubrod** ("Respondent") has violated provisions of Title 20, Arizona Revised Statutes. Respondent wishes to resolve this matter without the commencement of formal proceedings, and admits the following Findings of Fact are true and consents to entry of the following Conclusions of Law and Order.

**FINDINGS OF FACT**

1. Matthew Kenneth Zubrod ("Zubrod") is, and was at all times material, licensed with the Department as an Arizona resident accident/health, life, property and casualty producer, Arizona license number 7034, which expires on June 30, 2014.

2. Respondent's addresses of record are: 7025 E. Greenway Parkway, #520, Scottsdale, Arizona 85254 (business) and 8152 E. Maria Dr., Scottsdale, Arizona 85255 (mailing and residence).

3. On February 23, 2007, Allen and Betty Feldmann filed a Complaint in the Arizona Superior Court, Maricopa County, in Allen Feldmann and Betty Feldmann v. Matthew Zubrod, Suzanne Zubrod, Voight Insurance Services, Inc., Wallace Voight, Helen Voight and

1 John and Jane Does, I-X; ABC Corporation I-X, Docket Number CV2007-003384 ("CV2007-  
2 003384).

3 4. On June 30, 2008, Defendant/Cross Claimant Voight Insurance Services, Inc.  
4 filed "Cross-Claimant Voight Insurance Services, Inc.'s Motion for Summary Judgment on All  
5 Counts Against Matthew Zubrod and Suzanne Zubrod" in CV2007-003384 ("Summary  
6 Judgment Motion"). The Summary Judgment Motion requested summary judgment against  
7 Matthew Zubrod for Breach of Contract, Fraud and Negligent Misrepresentation in the amount  
8 of \$135,000.

9 5. On December 2, 2008, the Court filed a "Judgment re: Matthew Zubrod and  
10 Suzanne Zubrod" in CV2007-003384 ("Summary Judgment Order"). The Summary  
11 Judgment Order entered a judgment against Matthew Zubrod in the amount of \$135,000 on  
12 Voight Insurance Service Inc.'s claims for fraud, negligent misrepresentation and breach of  
13 contract.

14 6. On June 9, 2010, Zubrod submitted an online renewal application to the  
15 Department (the "2010 Renewal Application").

16 7. Section C of the 2010 Renewal Application asks: Have you been convicted or  
17 found guilty of, have you had a judgment made against you for, or have you admitted to, any  
18 of the following that has not been previously disclosed in a written format by you to this  
19 agency? . . . 6. Using fraudulent, coercive or dishonest business practices, including but not  
20 limited to forgery, with intent to defraud? Zubrod answered "No" to this question.

### 21 **CONCLUSIONS OF LAW**

22 1. The Director has jurisdiction over this matter.  
23

1           2.       Respondent's conduct, as alleged above, constitutes unintentionally providing  
2 incomplete information in the license application, within the meaning of A.R.S. § 20-295(A)(1).

3           3.       Grounds exist for the Director to suspend, revoke, or refuse to renew  
4 Respondent's insurance license, impose a civil penalty and/or order restitution pursuant to  
5 A.R.S. § 20-295(A).

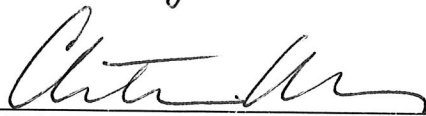
6           4.       Grounds exist for the Director to impose, in addition to or instead of any  
7 suspension, revocation or refusal to renew a license, a civil penalty of not more than two  
8 hundred fifty dollars for each unintentional failure or violation, up to an aggregate civil penalty  
9 of two thousand five hundred dollars and a civil penalty of not more than two thousand five  
10 hundred dollars for each intentional failure or violation, up to an aggregate civil penalty of  
11 fifteen thousand dollars, pursuant to A.R.S. § 20-295(F).

12   **ORDER**

13           IT IS HEREBY ORDERED THAT:

14           1.       Respondent shall immediately pay a civil penalty of \$100.00 for deposit into the  
15 State General Fund.

16           DATED AND EFFECTIVE this 11<sup>th</sup> day of April, 2011.

17  
18     
19   CHRISTINA URIAS  
20   Director of Insurance

21   **CONSENT TO ORDER**

22           1.       Respondent has reviewed the foregoing Findings of Fact, Conclusions of Law  
23 and Order.

2. Respondent admits the jurisdiction of the Director of Insurance, State of Arizona, and admits the foregoing Findings of Fact and consents to the entry of the foregoing Conclusions of Law and Order.


3. Respondent is aware of his right to notice and hearing at which he may be represented by counsel, present evidence and examine witnesses. Respondent irrevocably waives his right to such notice and hearing and to any court appeals relating to this Consent Order.

4. Respondent states that no promise of any kind or nature whatsoever, except as expressly contained in this Consent Order, was made to him to induce him to enter into this Consent Order and that he has entered into this Consent Order voluntarily.

5. Respondent acknowledges that the acceptance of this Consent Order by the Director is solely to settle this matter against him and does not preclude any other agency, including the Department, officer, or subdivision of this state or this agency from instituting civil or criminal proceedings as may be appropriate now or in the future.

6. Respondent acknowledges that this Consent Order is an administrative action that the Department will report to the National Association of Insurance Commissioners (NAIC). Respondent further acknowledges that he must report this administrative action to any and all states in which he holds an insurance license and must disclose this administrative action on any license application.

4/5/11  
Date

  
Matthew Kenneth Zubrod, Arizona License # 7034

COPIES of the foregoing mailed/delivered  
this 12th day of April, 2011, to:

1 Matthew Kenneth Zubrod  
8152 E. Maria Dr.  
2 Scottsdale, Arizona 85255  
Respondent

3 Mary E. Kosinski, Exec. Assistant for Reg. Affairs  
4 Mary Butterfield, Assistant Director  
Catherine M. O'Neil, Consumer Legal Affairs Officer  
5 Steve Fromholtz, Licensing Supervisor  
Department of Insurance  
6 2910 North 44<sup>th</sup> Street, Suite 210  
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8 Curvey Walters Burton

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